

CITY OF ALAMEDA

Memorandum

To: Honorable Mayor and
Members of the City Council

From: Lisa Goldman
Acting City Manager

Date: February 15, 2011

Re: Adopt a Resolution Increasing Civil Penalties for Parking Violations of the
Municipal Code and the California Vehicle Code

BACKGROUND

The current civil penalties for parking violations were adopted in November 2007. A survey of neighboring jurisdictions conducted in December 2010 revealed that civil penalties in the City of Alameda are lower than those of neighboring jurisdictions. In addition, the State has begun to assess fees of \$7.50 on every parking citation issued to cover the costs of the State trial courts, significantly reducing the amount of net revenues received by the City from these citations. Approval of the recommended increases will bring Alameda's civil penalties in line with those of neighboring jurisdictions, help increase turnover of parking spaces in the downtown and neighborhood shopping areas, and increase revenue to the City's General Fund.

In addition, the City of Alameda is increasing its collection efforts on delinquent parking citations through its existing contract with the City of Inglewood. To implement such an increase, staff also requests that the City Council adopt a resolution to authorize the City to recover special costs of collecting parking violation penalties through its existing contract with the City of Inglewood, which has demonstrated a successful collection program.

DISCUSSION

To help establish effective parking citation rates, staff reviewed parking penalties to determine if the City of Alameda's rates are comparable to those of neighboring jurisdictions. The City of Alameda's penalties for the 26 most commonly issued citations were compared to those of four neighboring cities: San Leandro, Hayward, Oakland and Berkeley. In almost all categories, penalties in Alameda were approximately one half of the survey average. Approval of the recommended increases, also part of Exhibit 1, will bring Alameda's penalties within the range of the survey averages.

In addition to the above proposed changes, staff is proposing to add an assessment for

collection agency fees to the City's existing fee schedule. Currently, the City of Inglewood collection program, which the City of Alameda will be using for the collection of its parking citations, assesses a 35% collection fee on all collections of delinquent accounts. This fee is currently being paid by the City. If the proposed fee schedule is adopted, debtors would also be responsible for any other attorney and other costs incurred by the City for the collection of unpaid amounts.

The proposed increases will allow for more effective parking enforcement and will likely have a positive, direct impact on the efficient and effective use of public parking spaces in the Civic Center Parking Structure and the Park Street and Webster Street business districts. The proposed increases are scheduled to take place on March 1, 2011, to allow staff and the City of Inglewood sufficient time to implement these changes.

FINANCIAL IMPACT

For FY09-10, parking penalties provided approximately \$470,000 in revenue to the General Fund. The proposed increases are projected to increase revenue to the General Fund by approximately \$75,000.

RECOMMENDATION

Adopt a resolution increasing civil penalties for parking violations of the municipal code and the California Vehicle Code.

Respectfully submitted,



Mike Noonan
Interim Chief of Police

Respectfully submitted and approved
as to funds and account,



Fred Marsh
Controller

CITY OF ALAMEDA RESOLUTION NO. _____

INCREASING CIVIL PENALTIES FOR PARKING VIOLATIONS OF THE
MUNICIPAL CODE AND THE CALIFORNIA VEHICLE CODE

Approved as to Form

City Attorney

WHEREAS, the California Vehicle Code Section 40203.5(a) provides that the governing body of the jurisdiction where the notice of violation is issued may establish a schedule of parking penalties for parking violations; and

WHEREAS, Vehicle Code Section 40200.4(f) defines the term "parking penalty" to include, among other things, any late payment penalty and costs of collection; and

WHEREAS, Vehicle Code Section 40203.5(a) further provides that "[t]o the extent possible, issuing agencies within the same county shall standardize parking penalties"; and

WHEREAS, Vehicle Code Section 40203.5(b) requires that parking penalties shall be collected as civil penalties; and

WHEREAS, the Trial Court Facilities Act of 2002 establishes the State Court Facilities Construction Fund and provides that monies in that fund may be used to acquire, rehabilitate, construct, or finance court facilities; and

WHEREAS, California Senate Bill 1407, effective January 1, 2009, and California Senate Bill 857, effective October 19, 2010, increase the amount jurisdictions must remit as the State Court Construction Penalty for every parking offense with a penalty or fine; and

WHEREAS, Government Code Section 70372(b) directs that "[the] city, district, or issuing agency shall observe the increased bail amounts..." mandating the City to increase the amounts remitted to the State.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda that civil penalties for parking violations and late payment penalties are established and increased as set forth in the attached Exhibit 1, including an amount for recovery of third-party collection costs and city staff/attorney costs incurred on delinquent accounts over thirty (30) days, to become effective March 1, 2011.

BE IT FURTHER RESOLVED that all amounts established by Master Fee Resolution No. 14471 which are inconsistent with the penalty established by this Resolution are hereby repealed.

Parking Citation Civil Penalties

Exhibit 1

Civil Penalty Comparison Chart and Proposed Parking Penalty Schedule for City of Alameda

Violation	Code Cited *	Section of Code	Current Alameda	San Leandro	Oakland	Berkeley	Hayward	Median	Average	Proposed for Alameda effective 3/1/11
1 Out of space Meter Zone	AMC	12-13.3a	30.00	45.00	55.00	68.00	64.50	55.00	54.50	50.00
2 Out of space non Meter Zone	AMC	8-8.1a	30.00	45.00	55.00	68.00	64.50	55.00	54.50	50.00
3 Posted No Parking sign	AMC	8-7.4	30.00	60.00	42.00	61.00	64.50	60.00	53.50	50.00
4 Parking Time Limit	AMC	8-7.3	30.00	45.00	70.00	68.00	64.50	64.50	57.50	50.00
5 Overtime Parking City Lot	AMC	12-4.7	30.00	45.00	45.00	30.00	64.50	45.00	44.90	50.00
6 Overtime Meter Zone	AMC	12-16.4	30.00	36.00	55.00	45.00	64.50	45.00	48.10	50.00
7 Expired Meter	AMC	12-13.7	30.00	31.00	55.00	45.00	64.50	45.00	47.10	50.00
8 Major Repairs/Display for sale	AMC	6-52.1	32.00	50.00	260.00	49.00	104.50	50.00	100.70	50.00
9 Improper Parking	CVC	22500	33.00	60.00	110.00	86.00	64.50	65.00	77.10	50.00
10 More than 18" from curb	CVC	22502a	33.00	60.00	60.00	99.00	64.50	64.50	69.70	50.00
11 15' from Fire Hydrant	CVC	22514	33.00	60.00	100.00	113.00	74.50	74.50	82.50	50.00
12 Parked on Private Property	AMC	8-7.7	35.00	45.00	45.00	61.00	104.50	45.00	59.10	50.00
13 Parked in loading zone yellow	AMC	8-11.1	35.00	36.00	80.00	81.00	64.50	64.50	60.30	50.00
14 Parking prohibited all times	AMC	8-7.1	35.00	45.00	70.00	92.00	64.50	64.50	62.30	50.00
15 Parking official vehicle space	AMC	8-8.4	30.00	45.00	42.00	61.00	64.50	45.00	50.50	50.00
16 No parking City Employee Lot	AMC	12-2.1	30.00	45.00	45.00	61.00	64.50	45.00	51.10	50.00
17 City Hall parking lot	AMC	12-1.5	35.00	45.00	45.00	61.00	64.50	45.00	51.10	50.00
18 Street Sweep Specified hrs	AMC	8-7.2	35.00	45.00	63.00	46.00	64.50	46.00	51.70	50.00
19 Overnight commercial Veh.	AMC	8-7.10	33.00	60.00	270.00	61.00	126.50	61.00	111.50	50.00
20 RV Trailer parking	AMC	8-7.11	33.00	na	90.00	na	na	90.00	90.00	50.00
21 Heavy Veh. 3 hr. parking	AMC	8-7.9	33.00	60.00	270.00	68.00	126.50	68.00	112.90	50.00
22 Parking front or side yard	AMC	4-25.2	40.00	na	42.00	na	64.50	42.00	48.83	50.00
23 72 hour limit	AMC	8-7.8	50.00	66.00	260.00	57.00	74.50	74.50	113.50	50.00
Average			33.26	49.00	96.91	65.76	74.68	57.13	67.52	50.00
24 Disabled parking	AMC	8-8.3	275.00	280.00	na	285.00	334.50	282.50	293.63	285.00
25 Handicap parking	CVC	22507.8a	330.00	na	335.00	285.00	334.50	332.50	321.13	335.00
Late Fee 30 day (+)			29.00	unknown	double -10	30.00	double +18			50.00
DMV Hold			3.00	unknown	0	0.00	0.00			Handled by 3rd Party
Recovery of 3rd Party Collection Costs and City Staff/Attorney Costs on delinquent accounts over 30 days	CVC	40200.4	None							At Cost (Normally 35% of fees assessed)

* AMC is Alameda Municipal Code and CVC is California Vehicle Code

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on February 15, 2011, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this 16th day of February, 2011.

Lara Weisiger, City Clerk
City of Alameda